

FILED
JAMES E. DOWNEY
FEB 2 2004
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE FEDERAL DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

04 MAR 30 PM 5:10

ROSEANN TERAMANA,
976 Betty Zane Road
Wheeling, WV 26003

CASE NO.

C 2 04 239

JUDGE

JUDGE GRAHAM

Plaintiff,

MAGISTRATE JUDGE

v.

MAGISTRATE JUDGE KING

OHIO DEPARTMENT OF REHABILITATION,
AND CORRECTIONS, BELMONT
CORRECTIONAL INSTITUTION,

AGENT FOR SERVICE

Jim Petro, Attorney General
140 East Town Street, 14th Floor
Columbus, Ohio 43215

Defendant.

PLAINTIFFS' COMPLAINT
(Jury Demand Endorsed Hereon)

JURISDICTION

1. Jurisdiction is proper in this Court pursuant to 42 U.S.C. § 2000 et seq., Title VII of the Civil Rights Act of 1964, as amended in 1991 and pursuant to 42 U.S.C. § 12101 et seq., Americans with Disabilities Act as Plaintiff is alleging that she was discriminated against by Defendant because of her gender and disability, and retaliated because of her denial of the sexual advances of her supervisor and need for disability leave.

2. Venue is proper in this Court as all events giving rise to this cause of action occurred in the Southern District of Ohio, Western Division.

FACTS COMMON TO ALL COUNTS:

3. Plaintiff, a female, was employed with Defendant Belmont Correctional Institution (hereinafter "Belmont") for approximately eight (8) years as a Secretary until her termination on May 16, 2003.

4. Plaintiff was supervised by Mr. Charles Ford (hereinafter "Ford").

5. Ford, African American, regularly made inappropriate sexual comments and advances to Plaintiff while he was her supervisor. For example, Ford would ask Plaintiff if she "had any black in [her]. Ford would follow this by asking, "would you like some?"

6. Ford regularly made comments such as: "Boy, you have a sweet ass," "I bet if I would take you into the Resource Library I could really show you what a real man looks like," "if you would meet me outside of this place, I could show you what 'Big Daddy' has to offer," "we could have a really good time together," "cross your legs the other way," "are you wearing any underwear today," "there are two other women in this institution that I would like to do and that is Lori [Taylor] and Cindy [Biedenbach] - Cindy has the nicest ass and really firm breasts - how I would love to get my hands on them."

7. Ford regularly attempted to try to look down Plaintiff's blouse and would ask Plaintiff to scratch his back.

8. Ford told Plaintiff that it was about time he got a good looking secretary and that he would make it enjoyable for Plaintiff to work for him. Ford would frequently look at Plaintiff and say, "I really need to behave myself, I need to stop thinking those thoughts."

9. When Ford made comments Plaintiff did her best to ignore them and always spurned his sexual advances.

10. Plaintiff has a history of depression. As a result of the environment created by Ford, Plaintiff's depression was exacerbated. Plaintiff was forced to take time off from September 2002 until January 2003 for personal reasons. Upon her return, Ford removed Plaintiff from her position and demoted her to a less desirable job. Also, after her return, Ford began a campaign of discipline against Plaintiff for things she did not do or for things for which similarly situated others were not disciplined.

11. As a result of Ford's discipline campaign towards Plaintiff, Plaintiff's depression was again exacerbated. Resultantly, Plaintiff went off on disability on April 11, 2003.

While she was off, on May 16, 2003, Defendant terminated Plaintiff for allegedly falsifying a state document – which was not true.

12. Through understanding and belief, Ford has a history of sexually harassing employees and has been moved from other state institutions to Belmont as a result.

13. Plaintiff filed a charge of discrimination with the Equal Employment opportunity Commission and has received a right to sue letter. A copy of which is attached.

Count One:

14. Plaintiff hereby incorporates paragraphs 1 through 13 above as if fully restated herein.

15. Defendant created an environment that was severely and pervasively sexually abusive towards Plaintiff.

16. Plaintiff has stated a cause of action for sexual harassment pursuant to 42 U.S.C. § 2000 et seq., Title VII of the Civil Rights Act and the United States Supreme Court decisions in *Burlington Industries v. Ellerth* and *Faragher v. City of Boca Raton* as against Defendant.

Count Two:

17. Plaintiff hereby incorporates paragraphs 1 through 16 above as if fully restated herein.

18. Plaintiff is an individual with a qualified handicap under the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

19. Defendant held Plaintiff to a different standard as compared to non-handicap individuals and terminated Plaintiff due to her disability. Defendant replaced Plaintiff with a non-handicapped individual.

20. Plaintiff has stated a cause of action pursuant to 42 U.S.C. § 12101 et seq. as against Defendant.

Count Three:

21. Plaintiff hereby incorporates paragraphs 1 through 20 above as if fully restated herein.

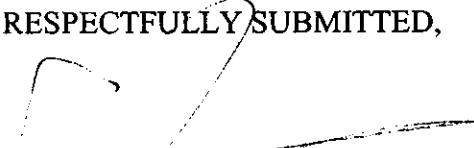
22. Defendant retaliated against Plaintiff because of her refusal to submit to Ford's sexual advances and for her use of sick leave.

23. Plaintiff has stated a cause of action for retaliation.

WHEREFORE, Plaintiffs respectfully request that this Court order the following Judgment for each Plaintiff:

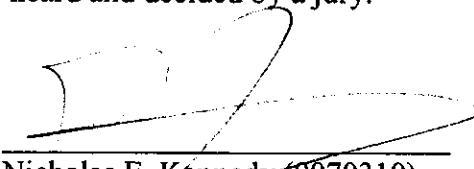
1. Compensatory damages in the amount of \$200,000 on each count;
2. Non-economic damages in the amount of \$200,000 on each count;
3. Injunctive relief, costs, attorney fees, pre-and post-judgment interest and all other relief that this Court deems just and equitable.

RESPECTFULLY SUBMITTED,


Nicholas E. Kennedy (0070310)
KENNEDY&KNOLL
3040 Riverside Drive, Suite 103
Columbus, Ohio 43221
(614) 488-1161 telephone
(614) 488-5003 facsimile
Trial Attorney for Plaintiff

JURY DEMAND

Plaintiffs, by and through their undersigned Counsel, hereby demand a jury to hear and decide all issues that may be heard and decided by a jury.


Nicholas E. Kennedy (0070310)

KENNEDY & KNOLL
3040 Riverside Drive, Suite 103
Columbus, Ohio 43221
(614) 488-1161 telephone
(614) 488-5003 facsimile

Trial Attorney for Plaintiff

Tue Mar 30 16:19:38 2004

UNITED STATES DISTRICT COURT
COLUMBUS, OH

Receipt No. 200 240826
Cashier bb1

Check Number: 1310

DO Code Div No
4661 2

Sub Acct	Type	Tender	Amount
1:510000	N	2	98.00
2:086900	N	2	60.00

Total Amount \$ 158.00

NEW CASE

C2-04-239

JS 44
(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

Roseann Teramana

Out of State(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Nicholas E. Kennedy
KENNEDY&KNOLL
3040 Riverside Drive, Suite 103
Columbus, Ohio 43221
(614) 488-1161

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

Citizen of This State	PTF	DEF	PTF	DEF
<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5

Citizen or Subject of a Foreign Country 3 3 Foreign Nation 6 6

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY

Title VII, 42 U.S.C. Sec 2000
12100 et seq.

Plaintiff is alleging that she was discriminated against by Defendant because of gender and disability and because of her denial of sexual advances of her superior and need for disability leave.

V. NATURE OF SUIT

(PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 510 Agriculture	<input type="checkbox"/> 422 Appeal	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 520 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 525 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 28 USC 158	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 530 Liquor Laws	<input type="checkbox"/> 440 R.R. & Truck	<input type="checkbox"/> 450 Commerce/ICC Rates/etc
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 540 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 550 Airline Regs	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 550 Other Fraud	<input type="checkbox"/> 560 Occupational Safety/Health	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 570 Truth in Lending	<input type="checkbox"/> 570 Other	<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 580 Other Personal Property Damage	<input type="checkbox"/> 580 Copyrights	<input type="checkbox"/> 550 Securities/Commodities/Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 585 Property Damage Product Liability	<input type="checkbox"/> 590 Patent	<input type="checkbox"/> 875 Customer Challenge
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 640 Trademark	<input type="checkbox"/> 12 USC 3410
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> PROPERTY RIGHTS	<input type="checkbox"/> 591 Agricultural Acts
REAL PROPERTY		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 651 HIA (1395f)	<input type="checkbox"/> 592 Economic Stabilization Act
CIVIL RIGHTS		<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 652 Black Lung (923)	<input type="checkbox"/> 693 Environmental Matters
PRISONER PETITIONS		<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 653 DWIC/DINW (406g))	<input type="checkbox"/> 694 Energy Allocation Act
		<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 654 SSID Title XVI	<input type="checkbox"/> 695 Freedom of Information Act
		<input type="checkbox"/> 750 Other Labor Litigation	<input type="checkbox"/> 655 RSI (405(g))	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
		<input type="checkbox"/> 781 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 950 Constitutionality of State Statutes
			<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 890 Other Statutory Actions
FEDERAL TAX SUITS				

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court

4 Reinstated or Reopened 5 Transferred from another district (specify) _____

6 Multidistrict Litigation 7 Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
 UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:
JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD